

The President of the Senate held the announcement sufficient notice to the Senate and that the petitions need not be printed in the Journal.

## COMMITTEE REPORTS.

(Floor Report.)

Committee Room,  
Austin, Texas, March 29, 1907.  
Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

House bill No. 389, A bill to be entitled "An Act to amend Section 71, Chapter 124, Acts of the Twenty-ninth Legislature (Section 121, School Laws, 1905) regarding the authority of school trustees in common school districts,"

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass.

Barrett, Chairman; Grinnan, Harper, Green, Senter, Paulus, Kellie.

Committee Room,  
Austin, Texas, March 29, 1907.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 17, A bill to be entitled "An Act to amend Article 4507 of Title XCIV of the Revised Civil Statutes of the State of Texas, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

## SIXTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
Monday, April 1, 1907.

Senate met pursuant to adjournment.  
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Harbison.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Cunningham.	Looney.
Glasscock.	Mayfield.
Green.	Meachum.
Greer.	Murray.
Griggs.	Paulus.
Grinnan.	Skinner.

Smith.  
Stokes.  
Stone.  
Terrell.

Veale.  
Watson.  
Willacy.

Absent.

Faust.  
Harper.

Masterson.  
Senter.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Green, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

## BILLS AND RESOLUTIONS.

By Senator Barrett:

Senate bill No. 309, A bill to be entitled "An Act to amend Section 2 of Senate bill No. 80, passed by the Regular Session of the Thirtieth Legislature, and approved February 21, 1907, creating the Blossom Independent School District in Lamar County, Texas, and defining its boundaries."

Read first time and referred to Committee on Educational Affairs.

By Senator Terrell:

Senate bill No. 310, A bill to be entitled "An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said districts, and validating process, and providing an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Murray and Faust:

Senate bill No. 311, A bill to be entitled "An Act to authorize, enable and permit the territory situated in Gonzales county, and bounded as hereinafter described, to incorporate as an independent school district for free school purposes only, to be known as the Nixon Independent School District, with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Glasscock:

Senate bill No. 312, A bill to be entitled "An Act to amend Chapter 124 of the General Laws of the Twenty-ninth Legislature of the State of Texas, providing for complete system of public free schools in Texas, by adding thereto Section 91a."

Read first time and referred to Committee on Educational Affairs.

By Senator Looney:

Senate Joint Resolution No. 23, Joint resolution proposing an amendment to Section (2) two of Article (3) three of the Constitution of the State of Texas, relating to the membership and pay of the Legislature.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Looney:

Senate Concurrent Resolution No. 14, Whereas, on March 28th, House Concurrent Resolution No. 26 was passed by both branches of the Legislature, in which the Governor of this State was requested to return to the House and to the Senate Senate bill No. 26, for correction and amendment; and

Whereas, In response to said request, the Governor of this State did, on said date, transmit to the Senate said Senate bill No. 26, the same being entitled

"An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, laws of 1901, and to pass in lieu thereof this act to create a board of medical examiners for the examination and licensing of all physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration; the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice,"

Now, therefore, for the purpose of amending and correcting said bill, it is resolved by the Senate, the House concurring, that the action of the Lieutenant Governor and of the Speaker of the House of Representatives in signing said bill in the presence of the two bodies, respectively, be and the same is hereby rescinded and the said officers, respectively, be and they are hereby authorized and directed to erase their signatures from the enrolled bill.

The resolution was read and adopted.

Senator Looney moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

#### SIMPLE RESOLUTION.

By Senator Looney:

Whereas, On March 28th, both branches of this Legislature adopted House Concurrent Resolution No. 26, requesting the Governor of this State to return to the House and Senate Senate

bill No. 26, for correction and amendment; and

Whereas, On the same day the Governor did, through his messenger, in response to said request, transmit to the Senate said Senate bill No. 26, entitled,

"An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, laws of 1901, and to pass in lieu thereof this act to create a board of medical examiners for the examination and licensing of all physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration; the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice;" and

Whereas, By the concurrent resolution adopted both branches of the Legislature have rescinded the action of its presiding officers in signing the enrolled bill in the presence of each house, respectively,

Now, therefore, be it resolved by the Senate, That Senate bill No. 26, before mentioned, be transmitted to the House of Representatives in order that the said House may rescind and reconsider its action had on said bill on former days of this session, in order that said bill may be amended and corrected and finally passed as amended and corrected.

Read and laid on table, subject to call. Morning call concluded.

#### SENATE BILL NO. 6—HOUSE AMENDMENTS CONCURRED IN.

Senator Stone called up as a privileged matter

Senate bill No. 6, A bill to be entitled "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Company now owned and hereafter acquired, and the railroads and all other properties of the Gulf & Interstate Railway of Texas now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company and as part of its own lines, and to extend the said railroads and to construct branches therefrom, by amendments to its charter under the General Laws of the State of Texas, and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property to sell the same, or any part thereof, to the Gulf, Colorado & Santa Fe Railway Company, and until such purchases are made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of the said other companies, or either of them, and to authorize the Gulf, Colo-

rado & Santa Fe Railway Company, until acquired by it, or canceled, as provided herein, or by existing acts, to guarantee the payment of the bonds heretofore or hereafter issued, and the interest thereon of the Texas & Gulf Railway, the Gulf, Beaumont & Great Northern Railway Company, the Gulf, Beaumont & Kansas City Railway Company, and the Gulf & Interstate Railway Company of Texas."

And moved that the Senate concur in the following House amendments:

(1.)

Strike out all after the word "Texas," in line 16, page 5, down to close of the section.

(2.)

Amend Section 4 by adding thereto the following:

"Provided, that none of the present bonded or mortgaged indebtedness of Gulf, Colorado & Santa Fe Railway Company shall ever become a lien on the properties of the Texas & Gulf Railway Company, nor upon any extension of said the Texas & Gulf Railway Company; and provided further, that no bonded or mortgaged indebtedness shall hereafter be created upon the property, franchise or income of the Gulf, Colorado & Santa Fe Railway Company in this State, or upon the property, franchise or income of the Texas & Gulf Railway Company in this State, or any extension thereof, without the approval of the Railway Commission of Texas, which approval shall be made in accordance with the provisions of Chapter 14, Title XCIV, of the Revised Civil Statutes of Texas, and of any General Law of this State applicable thereto."

The motion to concur prevailed by the following vote:

Yeas—23.

Alexander.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Harbison.	Terrell.
Hudspeth.	Veale.
Kellie.	Watson.
Looney.	Willacy.
Mayfield.	

Nays—2.

Barrett.	Holsey.
	Absent.
Brachfield.	Faust.

Grinnan.  
Harper.

Masterson.  
Senter.

Senator Stone moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 82—HOUSE AMENDMENTS CONCURRED IN.

Senator Holsey called up, as a privileged matter,

Senate bill No. 82, A bill to be entitled "An Act to establish the Texas State Board of Pharmacy, and to prescribe the power and duties of said board, and to regulate the practice of pharmacy, and the licensing of pharmacists and the compounding or sale of medicines, drugs and poisons in the State of Texas, and to provide penalties for any infringement of the provisions of this act, and to repeal all laws in conflict herewith,"

And moved that the Senate concur in the following House amendments:

Amend the bill by striking out the words "which do not contain poisonous ingredients," in lines 11 and 12, Section 1, page 2.

Amend the bill by striking out the two last paragraphs of Section 1 of the Senate printed bill and by adding after the word "act," in line 14, page 3, the words "and also proprietors and employes of such proprietors who shall become so engaged in such towns during the next five years after the passage of this act."

Amend by striking out the word "to" after the word "registration," page 8, Section 10, line 16, and inserting the word "of."

Amend by adding the words "and disbursed" after the word "received," on page 8, Section 10, line 21.

Amend by adding the words after the word "a", line 27, Section 13, "license to any proprietor or employe," after striking all of line 27 after the word "a", and in line 28 strike out the word "villages" and substitute the word "towns," and strike out the words in line 28 "five hundred" and insert the words "one thousand," and strike out after the word "dollar" all the rest of the line 29 and all of the line 30, on page 10, Section 14, line 7, after the figure "1," add the words "and 2."

On page 10, Section 14, line 20, after the figure "1" add the words "and 2."

Amend the bill, page 5, line 19, by striking out the word "permit" and insert "license," and by striking out the

words "an assistant pharmacist" and insert in lieu the words "any proprietor or employe," and in line 20 strike out the words "villages" and insert the word "towns," and in line 20 strike out the words "five hundred" and insert the words "one thousand," and in lines 21 and 22 strike out the following: "And every permit issued to dealers in general merchandise in rural districts." Strike out in line 23, page 5, the words "or permit."

The amendments were read, and Senator Skinner moved, as a substitute motion, that further consideration of the amendments be postponed for today and that same be printed in the Journal.

The substitute motion prevailed.

#### SENATE BILL NO. 52—FREE CONFERENCE COMMITTEE ON.

Senator Hudspeth called up, as privileged matter,

Senate bill No. 52, A bill to be entitled "An Act to define the duties of railroad companies in this State with respect to shipping live stock, and to require that they promptly furnish cars for such shipments, and fix penalties for failure of such duty,"

And moved that the Senate do not concur in the following House amendments, and asked for a Free Conference Committee:

Amend the bill by striking out all after the enacting clause and by inserting in lieu thereof the following:

Section 1. That Articles 4497, 4498, 4499, 4500, 4501 and 4502 of the Revised Civil Statutes of Texas, as adopted in the year A. D. 1895, and as amended by Chapter 48, Acts of the Twenty-sixth Legislature, be and the same are hereby amended so as to read as follows, to-wit:

Article 4497. It is hereby made and it shall hereafter be the duty of every carrier to require every shipper, seeking the benefits of this act, and applying for the shipment of freight in carload lots from any station or switch on its line of railway, to make application in writing to the carrier's agent, at the place of shipment, for such cars as the shipper desires, and it shall also be the duty of such carrier to furnish such cars, at the station or switch named by the shipper, and to so place them on sidings or switches as to be accessible for loading, in the order in which such applications are made, without preference or discrimination in favor of or against any locality or shipper, and within three

days after the day on which application is made.

The word "carrier" as used in this act, is intended and shall be held to embrace every person and corporation owning a line of railway in this State, and every person and corporation engaged in the business of carrying goods, wares and merchandise and other products or properties in this State, in carload lots, over a line or lines of railway, whether the same is or is not owned or operated by the said person or corporation.

The word "shipper," as used in this act, is intended and shall be held to embrace all persons and corporations tendering or offering to tender for transportation, or applying for the transportation of any goods, wares, merchandise or other product or property over any line or lines of railway in this State.

Article 4498. The carrier shall keep on hand at all stations, and shall furnish every shipper desiring the same, with blank applications for cars, and the agent for the carrier at the place where the application is made shall see that each application is properly filled out, so as to show the number of cars desired, giving their destination, the product or property to be loaded thereon, and the time and place at which the shipper wishes such cars to be furnished. But no carrier shall be under any obligation to furnish cars to be loaded at any station or switch which is not upon his line or lines of railway.

Article 4499. If any carrier shall fail or refuse to furnish any cars applied for within three days after the day on which application is made, then and in that event such carrier shall incur and shall pay to the shipper the following penalties: For every day or fractional part thereof of delay between the limit of three days after the day of the application and the time when six days shall have elapsed after the day of the application one (\$1) dollar for each car so delayed, and for every day or fractional part of a day thereafter, five (\$5) dollars for each car so delayed; provided, that if the application be for fifty cars or more, the carrier may have ten full days in which to supply the cars; and if they are not supplied within such period of ten days, the penalty due the shipper shall be one (\$1) dollar for each car for each day or fraction of a day of delay thereafter. And in addition to the penalties provided by this act, every defaulting carrier shall also pay to the shipper all actual damages sus-

tained by such shipper, arising out of such default.

Article 4500. Unless waived by the agent for the carrier at the place of shipment, the shipper shall deposit with such agent at the same time at which he makes application for cars, one-fourth of the amount of the freight charged for the transportation of the product or property which he desires to ship, and said shipper shall also and within not more than forty-eight hours after his car or cars shall have been delivered at the proper station or switch and so placed as to be accessible for loading, complete the loading of such car or cars. And if any shipper shall fail or refuse to complete the loading of cars, within the time aforesaid, then and in every such case the shipper shall forfeit to the carrier the sum of one (\$1) dollar for each and every car for every day's delay in completing the loading thereof, beyond the said period of forty-eight hours; provided, however, that where successive applications which are made on different days are filed and the cars furnished within a period of forty-eight hours within which to load the car or cars first applied for, and an additional forty-eight hours within which to load the car or cars furnished under each successive application in the order in which such applications were made, and in addition to the penalties fixed by this act, every shipper violating its provisions shall also pay to the carrier all actual damages sustained by such carrier by reason of the default of such shipper.

Article 4501. It shall be the duty of every carrier to transport all ordinary and non-perishable products and property, which it has received in carload lots, and to carry the same forward toward its destination, in the order in which it has been received, at an average rate of not less than forty miles per day, but all live stock and other perishable freight will be carried forward at an average rate of not less than two hundred and sixty miles per day, except that in the case of wrecks not caused by the fault of the carrier, and in the case of other unavoidable delays, which shall be promptly reported to the consignee, in which case and after a true report thereof shall have been made to the said consignee, the carrier shall be allowed such additional time as shall have been made necessary by the cause stated in such notice, and for all delays in carrying freight forward to its destination, not excused under the terms of

this act, the carrier shall forfeit and pay to the shipper or to the consignee, or other party of interest, the sum of twenty-five (\$25) dollars for each car for each day of such delay in addition to which the carrier shall also pay all actual damages thereby occasioned. All consignees of cars shall be notified of the arrival of such cars at their destination and of the track or tracks on which the same have been placed to be unloaded, and all such cars which have been placed at accessible points and which are not interfered with and shifted to some other place by the carrier, shall be unloaded within not more than forty-eight hours after such delivery and notice, and any owner or consignee who shall fail to unload cars as herein provided shall forfeit and pay to the carrier the sum of one (\$1) dollar for each car for each day and part of a day during which he shall delay unloading such cars beyond any period of forty-eight hours, and until six days shall have elapsed from the time of so placing such car or cars, and thereafter five (\$5) dollars for every car for each day or part of a day the same remains unloaded.

Every carrier hauling freight in carload lots, consigned or destined beyond the carrier's lines, shall, within not to exceed forty-eight hours after its arrival at the junction, station or switch in the case of freight which is not perishable, and, in the case of live stock or other perishable freight, within not to exceed two hours after its arrival at such junction point or switch, deliver such freight to the proper connecting line, without unloading the same from the car or cars in which it has been hauled, and the connecting line shall thereupon promptly carry such freight forward toward its destination, under and in accordance with the provisions of this act. And whenever any carrier shall deliver to a connecting carrier any car with the freight therein contained, for the purpose of having such car and freight forwarded toward the destination of the shipment, then it is hereby made the duty of such connecting carrier within forty-eight hours after so receiving such car, to furnish and deliver to the carrier from which it was received an empty or loaded car of like character and in like condition, and such connecting carrier shall also permit the other carrier to keep and use such car until the car delivered to the connecting carrier shall have been returned by him to the carrier from whom he received it. Upon the arrival of any freight in car-

load lots, as its destination, if the consignee or other party at interest shall demand delivery at the same station, but upon a connecting line, or upon a connecting private track, and if such consignee, or other party at interest, shall pay or tender payment of such compensation for the additional service demanded as shall be fixed by the Railroad Commission of this State, or, in the absence of any action by the Commission on the subject, then reasonable compensation for such service, the carrier in possession of such freight shall, in the case of freight which is not perishable, within not to exceed forty-eight hours after the making of such demand, or in the case of live stock or other perishable freight, then within not to exceed two hours after such demand, switch and deliver such car to the proper connecting line, or to the proper place upon the said private track or spur; provided, such place is not already occupied, and provided, further, that the consent of the owner of such track or spur shall be obtained by the consignee or other party at interest. And every carrier, upon the arrival at its destination of freight in carload lots, shall, in the case of freight which is not perishable, within not to exceed twenty-four hours after such arrival, or in the case of live stock or other perishable freight, then within not to exceed two hours after such arrival, place the car or cars containing such freight upon such unloading track—the same being part of the carrier's line, and not then occupied with other cars—as the consignee, or other party at interest, shall designate, or, if such consignee or other party at interest shall fail to make any designation, then upon suitable and convenient unloading track, where access for the purpose of unloading may be safely had, the same being part of a carrier's line or private track accessible to said line and not then occupied with other cars.

Any carrier failing or refusing to deliver freight to a connecting line in accordance with the provisions of and within the time prescribed by this act, and any carrier failing or refusing to place cars for unloading at their destination in accordance with said provisions and within said period of time, shall forfeit and pay to the party aggrieved by such default the sum of five (\$5) dollars for each and every day's delay on excess of the periods hereby allowed for such purposes, and \$1.00 for each and every hour's delay on such car in

excess of periods hereby allowed for such purposes in case of live stock and other perishable freight.

Any connecting carrier who shall receive from another carrier a car, with the freight therein, to be forwarded toward the destination of the shipment, and shall fail or refuse to deliver a car to such other carrier within forty-eight hours, shall forfeit and pay to such other carrier the sum of five (\$5) dollars for each and every twenty-four hours of delay in excess of the said period of forty-eight hours. And any carrier which shall habitually and commonly fail and refuse during any period of thirty days or more to comply with the provisions, or with any one or more of the provisions of this act, shall be held to have forfeited all and every of its rights and franchises, and shall be dissolved, if it be incorporated, and its business and affairs shall be wound up and settled, and its franchises and properties shall be sold at the suit of any person aggrieved by its default, but such suit shall be brought only with the consent of and under the direction of the Railroad Commission.

Article 4502. Any shipper suing for penalties under this act for the failure or refusal of a carrier to furnish a car or cars as hereby required, shall not recover except as it appears from the evidence that such car or cars could have been loaded with, and were required reasonably to contain the products and property which the shipper had on hand at the time of the making of his application, and which he then intended to ship on the car or cars for which he applied.

Provided that in any suit for the penalties provided for in this act it shall be a sufficient defense to show that the facts authorizing a recovery were the result of unavoidable causes or necessities.

Sec. 2. It is expressly provided that this act shall apply to only such shipments as shall begin and end in this State.

(2.)

Amend the caption so as to read as follows:

"An Act to amend Articles 4497, 4498, 4499, 4500, 4501 and 4502 of the Revised Civil Statutes of Texas, of 1895, as amended by Chapter 48, Acts of the Twenty-sixth Legislature, approved March 28, 1899, regulating the furnishing of cars to shippers of freight by rail, and the loading of such cars, and the transportation, delivery and unloading

of freight in carload lots, and fixing penalties for violations."

The motion to non-concur prevailed, and

The Chair appointed the following as the Free Conference Committee on part of the Senate:

Senators Hudspeth, Green, Willacy, Masterson and Veale.

#### FREE CONFERENCE REPORT ON SENATE BILL NO. 94.

By Senator Meachum.

Hon. A. B. Davidson, President of the Senate, and Hon. Thomas B. Love, Speaker of the House of Representatives.

Sirs: Your Free Conference Committee, to whom was referred

Senate bill No. 94, A bill to be entitled "An Act to amend Article 325 of Title V, Chapter 4, of the Code of Criminal Procedure of the State of Texas, pertaining to the taking of bail in felony cases when the court is in session, and authorizing the sheriff or other peace officer having in custody the accused to take a bail bond, and repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and have adjusted the differences between the two houses, the House receding from its amendments.

MEACHUM,  
GREEN,  
LOONEY,  
WILLACY,

On part of the Senate.

HENDERSON,  
MCDONALD,  
SMITH,  
FULLER,  
JENKINS,

On part of the House.

On motion of Senator Meachum, the report was adopted by the following vote:

Yeas—23.

Alexander.	Meachum.
Barrett.	Murray.
Chambers.	Paulus.
Cunningham.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Looney.	Willacy.
Mayfield.	

Present—Not Voting.

Glasscock.

Absent.

Brachfield.

Kellie.

Faust.

Masterson.

Harbison.

Senter.

Harper.

#### MESSAGE FROM THE HOUSE.

Hall of the House of Representatives,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 332, A bill to be entitled "An Act authorizing trustees of public schools to employ kindergarten teachers and authorizing the issuance of certificates," with engrossed rider.

Senate bill No. 283, A bill to be entitled "An Act to create a more efficient road system for Gillespie county, Texas."

House bill No. 361, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature, by adding to said Article 642 a new subdivision to be known as Subdivision 65, providing for the establishment and maintenance of fishing, hunting and boating clubs; the protection, preservation and propagation of fish and game; the purchase and ownership of such lands and bodies of water as may be desirable in connection therewith; the erection of suitable improvements thereon; and the raising of such live stock for profit only as the preserves of such club will maintain."

House concurs in Senate amendments to House bills Nos. 48, 77, 205, 206, 363 and 383.

Also adopted the Free Conference Committee report on House bill No. 10.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### SENATE JOINT RESOLUTION NO. 19.

On motion of Senator Watson, the pending order of business (Senate bill No. 22) was suspended, and the Senate

took up, out of its order, Senate Joint Resolution No. 19.

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 19, Proposing an amendment to Article 4 of the Constitution of the State of Texas, by amending Section 5 of said Article 4 so as to fix the compensation of the Governor at \$8000 per year in addition to the use and occupation of the Governor's mansion, fixtures and furniture.

Senator Watson moved to rescind the vote by which the resolution had previously been ordered engrossed.

The motion to rescind prevailed.

Senator Watson offered the following amendment:

Amend the resolution by striking out all after "Be it resolved by the Legislature of Texas" and insert in lieu thereof the following:

"Section 1. That Section 5 of Article 4 of the Constitution of the State of Texas be amended so as to provide that the Governor of the State shall receive as compensation for his services an annual salary of eight thousand (\$8000) dollars, and with the use and occupation of the Governor's mansion, fixtures and furniture, said Section 5, as amended, to read as follows:

"Sec. 5. He shall, at stated times, receive as compensation for his services, an annual salary of eight thousand (\$8000) dollars and no more, and shall have the use and occupation of the Governor's mansion, fixtures and furniture."

That Section 17 be so amended as to read as follows:

"Sec. 17. During the vacancy in the office of Governor, Lieutenant Governor should die, resign, refuse to serve or be removed from office or be unable to serve, or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall in like manner administer the government until he shall be succeeded by a Governor or Lieutenant Governor. The Lieutenant Governor shall receive an annual salary of twenty-five hundred (\$2500) dollars per year and no more. During the time he administers the government as Governor he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President of the Senate, for the time being, shall, during the time he administers the government receive in like manner the same compensation which the Governor would have re-

ceived had he been employed in the duties of his office.

"Sec. 2. The Governor of this State is hereby directed to issue and have published the necessary proclamation for the submission of this resolution to the qualified voters for members of the Legislature of the State of Texas, to be voted upon on the day of the next general election of the State of Texas, which will be held on the day fixed by law therefor. All persons favoring said amendment shall have written or printed on their ballots as follows:

"For the amendment to the Constitution fixing the salary of the Governor at eight thousand (\$8000) dollars per annum, and the Lieutenant Governor at twenty-five hundred (\$2500) dollars per annum," and those opposed to said amendment shall have written or printed on their ballots as follows:

"Against the amendment to the Constitution fixing the salary of the Governor at eight thousand (\$8000) dollars per annum and the Lieutenant Governor at twenty-five hundred (\$2500) dollars per annum," and the sum of one thousand (\$1000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury of the State of Texas not otherwise appropriated to pay the expenses of such publication, proclamation and election."

(President Pro Tem. Skinner in the chair.)

The amendment was read and adopted.

Senator Watson offered the following amendment, which was adopted:

Amend the caption by striking out all after Section 5 in line 2 and inserting in lieu thereof the following: "And 17 of said Article 4, so as to fix the compensation of the Governor at eight thousand (\$8000) dollars per annum in addition to the use of the Governor's mansion, fixtures and furniture, and the compensation of the Lieutenant Governor at twenty-five hundred (\$2500) dollars per annum."

The resolution was read second time, and ordered engrossed by the following vote:

Yeas—21.

Alexander.	Kellie.
Barrett.	Looney.
Chambers.	Mayfield.
Cunningham.	Meachum.
Glasscock.	Paulus.
Green.	Skinner.
Griggs.	Stokes.
Holsey.	Stone.
Hudspeth.	Terrell.



Veale. Willacy.  
Watson.

Nays—4.

Brachfield. Murray.  
Harbison. Smith.

Absent.

Faust. Harper.  
Greer. Masterson.  
Grinnan. Senter.

Senator Watson moved to reconsider the vote by which the resolution was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 267.

On motion of Senator Veale, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 267.

The Chair laid before the Senate, on second reading,

Senate bill No. 267, A bill to be entitled "An Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, in Hall county, Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be known as Estelline Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

On motion of Senator Veale, the committee report, which provided that the bill be not printed, was adopted.

Senator Veale offered the following amendment, which was adopted:

Amend Senate bill No. 267, page 1, Section 2, by adding after the word "the" in the last line on page 1 the following: "Southeast corner of Section No. 791, W. & N. W. R. R. Co.; thence east 1900 varas to the southeast corner of Section No. 790; thence north 1900 varas to the northeast corner of Section No. 790; thence west 1900 varas to the northwest corner of Section No. 791; thence north with the east boundary line of said Section 791 to the south bank of Prairie Dog river; thence west with the meanderings of said south bank of Red River 3 1-2 miles to a stake," and by striking out of the bill everything between the word "the" on the last line on page 1 of the bill to and including the word "stake" on the second line from the top of page 2 in Section 2 of the bill.

Bill read second time, and ordered engrossed.

On motion of Senator Veale, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harbison.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Faust.	Masterson.
Harper.	Senter.
Holsey.	Terrell.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Faust.	Senter.
Harper.	Terrell.
Masterson.	

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 58—HOUSE AMENDMENTS CONCURRED IN.

Senator Brachfield called up, as a privileged matter,

Senate bill No. 58, A bill to be entitled "An Act to amend Article 21 of Title IV of the Revised Civil Statutes of Texas, and to create the Sixth Su-

preme Judicial District of Texas, and provide for the organization of a Court of Civil Appeals within and for the Sixth Supreme Judicial District of Texas."

And moved that the Senate concur in the following House amendments:

Amend the bill by taking the counties of Shelby and Nacogdoches out of the proposed district and placing them in the Galveston district; by taking Harrison, Gregg, Rusk, Smith and Panola counties out of the First district and placing them in the Sixth district; by taking Upshur county out of the Fifth and placing it in the Sixth district; and by taking Delta county out of the Sixth and placing it in the Fifth district.

The motion to concur prevailed.

Senator Brachfield moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### SENATE JOINT RESOLUTION NO. 19.

Senator Watson here called up Senate Joint Resolution No. 19 (see former proceedings of today).

Senator Watson moved that Senate Rule No. 37, relative to the passage of amendments to the Constitution, be suspended for the purpose of further considering the resolution today (see Senate Rule 37).

The motion to suspend the rule prevailed by the following vote:

#### Yeas—21.

Alexander.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

#### Nays—5.

Barrett.	Harbison.
Brachfield.	Murray.
Grinnan.	

#### Absent.

Faust.	Senter.
Harper.	Stokes.
Masterson.	

The resolution was then read third time, and lost by the following vote:

#### Yeas—20.

Alexander.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Looney.	Willacy.

#### Nays—6.

Barrett.	Harbison.
Brachfield.	Murray.
Grinnan.	Smith.

#### Absent.

Faust.	Masterson.
Harper.	Senter.
Kellie.	

Senator Watson moved to rescind the vote by which the resolution was lost.

The roll was called, and Senator Smith made the point of order that the motion to rescind was, in effect, the same as a motion to reconsider, and as Senator Watson voted for the passage of the resolution, could not make this motion.

The Chair overruled the point of order.

The motion to rescind prevailed by the following vote:

#### Yeas—20.

Alexander.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Looney.	Willacy.

#### Nays—6.

Barrett.	Harbison.
Brachfield.	Murray.
Grinnan.	Smith.

#### Absent.

Faust.	Masterson.
Harper.	Senter.
Kellie.	

#### SENATE BILL NO. 53—HOUSE AMENDMENTS CONCURRED IN.

Senator Looney called up, as a privileged matter,

Senate bill No. 53, A bill to be en-

titled "An Act denouncing as a nuisance any place, room or building, in any county, justice precinct, town, city or such subdivision of a county, as may be designated by the commissioners court of said county, in which the sale of intoxicating liquors has been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquors in violation of law; also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose, and the tools, appliances and furniture used therewith, prescribing a suitable procedure for the search and the seizure of any such liquor, tools, appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein; also to prevent by means of the writ of injunction at the suit of the State, or any citizen thereof, the use or contemplated use or threatened use of any such place, room or building for the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith for any such illegal purpose."

And moved that the Senate concur in the following House amendments:

Amend the bill by adding thereto Sections 15 and 16, as follows:

"Sec. 15. In any proceeding under the provisions of this act evidence of the general reputation of the house, place, building, premises or part thereof, or of the business, occupation or pursuit of the defendant involved, may be admitted in evidence as tending to prove the allegations of the complaint; provided, that in any investigation no person shall be exempt from giving testimony therein, but the testimony given by a witness shall not be used against him in any criminal action or proceeding, nor shall any criminal action or proceeding be brought against such witness on account of any testimony so given by him.

"Sec. 16. The insufficiency of the laws of this State to prevent violation of the local option laws, create an emergency and an imperative public necessity demanding that this act take effect and be in force from and after its passage, and the same is so enacted."

Amend Section 1 by adding after the word "any," in line 1, page 2, the word "such."

The motion to concur prevailed by the following vote:

Yeas—25.

Alexander.	Cunningham.
Barrett.	Glasscock.
Brachfield.	Green.
Chambers.	Greer.

Griggs.	Paulus.
Grinnan.	Skinner.
Harbison.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.
Looney.	Terrell.
Mayfield.	Veale.
Meachum.	Willacy.

Nays—1.

Watson.

Absent.

Faust.	Masterson.
Harper.	Senter.
Kellie.	

Senator Looney moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 616.

On motion of Senator Cunningham, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 616.

The Chair laid before the Senate, on second reading,

House bill No. 616, A bill to be entitled "An Act creating the Midland Independent School District in Midland county, Texas, and defining its boundaries," etc.

On motion of Senator Cunningham, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Cunningham, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Stokes.
Grinnan.	Terrell.
Harbison.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

## Absent.

Faust.	Masterson.
Harper.	Senter.
Kellie.	

The bill was read third time, and passed by the following vote:

## Yeas—26.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

## Absent.

Faust.	Masterson.
Harper.	Senter.
Kellie.	

Senator Cunningham moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 564.

On motion of Senator Stokes, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 564.

The Chair laid before the Senate, on second reading,

House bill No. 564, A bill to be entitled "An Act to amend Section 9, Chapter 3, of the Special Laws enacted at the Regular Session of the Twenty-ninth Legislature, the same being a special road law for Cherokee county, approved February 16, 1905, repealing all laws in conflict therewith, and declaring an emergency."

On motion of Senator Stokes, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Alexander.	Mayfield.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Paulus.
Cunningham.	Skinner.
Glasscock.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	Willacy.
Looney.	

## Absent.

Faust.	Kellie.
Harper.	Masterson.
Hudspeth.	Senter.

The bill was read third time, and passed by the following vote:

## Yeas—26.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

## Absent.

Faust.	Masterson.
Harper.	Senter.
Kellie.	

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE JOINT RESOLUTION NO. 18.

On motion of Senator Glasscock, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 18.

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 18, To amend Sections 1, 2, 3, 4, 5 and 6 of Article 5 of the Constitution of the State of Texas, so as to provide for one Supreme Court of the State of Texas, for submitting the same to the electors of the State, and making appropriations therefor.

The resolution was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Hudspeth.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stone.
Greer.	Veale.
Griggs.	Watson.
Grinnan.	Willacy.
Holsey.	

Nays—3.

Harbison.	Terrell.
Murray.	

Absent.

Harper.	Senter.
Kellie.	Stokes.
Masterson.	

Senator Glasscock moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 448.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 448.

The Chair laid before the Senate, on second reading,

House bill No. 448, A bill to be entitled "An Act to restore and confer upon the county court of Mills county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency."

On motion of Senator Grinnan, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Brachfield.
Barrett.	Chambers.

Cunningham.	Looney.
Faust.	Mayfield.
Glasscock.	Meachum.
Green.	Murray.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harbison.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harper.	Senter.
Masterson.	Stokes.
Paulus.	Terrell.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Watson.
Harbison.	Willacy.

Absent.

Harper.	Senter.
Looney.	Stokes.
Masterson.	Terrell.
Paulus.	

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 286.

On motion of Senator Alexander, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 286.

The Chair laid before the Senate, on second reading,

Senate bill No. 286, A bill to be entitled "An Act to amend an act entitled 'An Act to amend Section 1 of an act entitled an act to amend an act to amend an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Mon-

day in November, 1884, approved April 9th, 1883, approved March 24th, 1885, to create the Forty-third Judicial District of the State of Texas, fix the times for holding court therein and to provide for the appointment of a district judge for said district, approved March 30th, 1887, to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and to fix the times for holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge of the said Forty-eighth Judicial District, passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times for holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the venue of causes in said courts, and provide for the appointment of a district judge for the Sixty-seventh Judicial District of Texas, and to repeal all laws and parts of laws in conflict herewith."

On motion of Senator Alexander, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

Senator Alexander moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading.

The motion was lost by the following vote:

## Yeas—19.

Alexander.	Looney.
Chambers.	Meachum.
Faust.	Paulus.
Glasscock.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Watson.
Hudspeth.	Willacy.
Kellie.	

## Nays—7.

Barrett.	Mayfield.
Brachfield.	Murray.
Harbison.	Skinner.
Holsey.	

## Absent.

Cunningham.	Senter.
Harper.	Veale.
Masterson.	

## HOUSE BILL NO. 507.

On motion of Senator Greer, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 507.

The Chair laid before the Senate, on second reading,

House bill No. 507, A bill to be entitled "An Act to amend the special road law of Van Zandt county, Texas, as enacted by the Twenty-eighth Legislature and sent to the Governor for approval on the 8th day of April, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county."

On motion of Senator Greer, the committee report, which provided that the bill be not printed, was adopted.

Senator Greer offered the following amendment, which was adopted:

Amend Section 7 of engrossed bill by striking out the word "ten" after the words "some of," and insert in lieu thereof the word "seven."

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional bill requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.

## Absent.

Brachfield.	Senter.
Harper.	Veale.
Masterson.	

The bill was read third time, and passed.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 120.

On motion of Senator Smith, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 120.

The Chair laid before the House, on second reading.

House bill No. 120, A bill to be entitled "An Act validating the diploma of the Texas Industrial Institute and College for the Education of White Girls of the State of Texas in the Arts and Sciences as a first grade State teacher's certificate; providing for the validation or extension of such diploma as a permanent State teacher's certificate, and authorizing school trustees to employ the holders of such diplomas as teachers, and to pay them from the State, county and local funds."

On motion of Senator Smith, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Willacy.
Holsey.	

## Absent.

Harper.	Senter.
Masterson.	Veale.
Murray.	Watson.

The bill was read third time, and passed by the following vote:

## Yeas—25.

Alexander.	Greer.
Barrett.	Griggs.
Brachfield.	Grinnan.
Chambers.	Harbison.
Cunningham.	Holsey.
Faust.	Hudspeth.
Glasscock.	Kellie.
Green.	Looney.

Mayfield.	Stone.
Meachum.	Terrell.
Skinner.	Veale.
Smith.	Willacy.
Stokes.	

## Absent.

Harper.	Paulus.
Masterson.	Senter.
Murray.	Watson.

Senator Smith moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 290.

On motion of Senator Willacy, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 290.

The Chair laid before the Senate, on second reading,

House bill No. 290, A bill to be entitled "An Act to amend Section 4, Chapter 58, of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth and Forty-ninth Judicial Districts of Texas, so as to change the time of holding district court in said Thirty-sixth Judicial District."

The bill was read second time, and passed to a third reading.

## SENATE BILL NO. 220.

Senator Murray called up, which was on the table subject to call, and on second reading, Senate bill No. 220.

The Chair laid before the Senate, on second reading,

Senate bill No. 220, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office of Texas to have such surveying done in the territory between the Pecos river and the Rio Grande river as may be necessary to definitely locate the mineral bearing school land surveys, and to cooperate with the Director of the United States Geological Survey in making a topographic survey and map of the localities as surveyed, and making an appropriation therefor, and making the disturbance of land marks and topographical marks a misdemeanor, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read

on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harbison.	Willacy.

## Absent.

Harper.	Senter.
Holsey.	Terrell.
Looney.	Watson.
Masterson.	

The bill was read third time, and passed by the following vote:

## Yeas—25.

Alexander.	Kellie.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Watson.
Harbison.	Willacy.
Hudspeth.	

## Absent.

Harper.	Masterson.
Holsey.	Senter.
Looney.	Terrell.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 144, A bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of

Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature, and at the Regular Session of the Twenty-seventh Legislature, and at the First Called Session of the Twenty-seventh Legislature, and at the Regular Session of the Twenty-eighth Legislature, and at the Regular Session of the Twenty-ninth Legislature, 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line; and to prohibit the sale or shipping game fish in this State; and to provide penalties for the violation thereof,' by fixing a penalty for the use of poison, dynamite or other explosives in killing, catching and taking fish, also regulating the sale and shipment of fish."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILLS READ AND REFERRED.

The Chair (President Pro Tem. Skinner) had read and referred, after their captions had been read, the following House bills:

House bill No. 144, to Judiciary Committee No. 2.

House bill No. 631, to Committee on Educational Affairs.

## SENATE BILL NO. 105.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 105.

The Chair laid before the Senate, on second reading,

Senate bill No. 105, A bill to be entitled "An Act to amend Article 723 of the Code of Criminal Procedure of the State of Texas, relating to new trials and the reversal on appeals."

Senator Hudspeth offered the following amendment:

Amend Senate bill No. 105 by adding the following section, being

"Sec. 3. The fact that there is now no law covering the defects in cases taking an appeal, creates an emergency and imperative public necessity, requiring bills to be read on three several days be suspended, and it is hereby suspended, and this bill take effect from and after its passage, and it is so enacted."

The amendment was read and adopted by the following vote:



## Yeas—13.

Alexander.	Looney.
Cunningham.	Mayfield.
Green.	Skinner.
Greer.	Stokes.
Grinnan.	Stone.
Hudspeth.	Veale.
Kellie.	

## Nays—12.

Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Smith.
Faust.	Terrell.
Griggs.	Watson.
Holsey.	Willacy.

## Present—Not Voting.

Harbison.

## Absent.

Glasscock.	Paulus.
Harper.	Senter.
Masterson.	

Senator Terrell offered the following amendment:

Amend the bill by striking out the enacting clause.

The amendment was laid on the table subject to call.

Senator Smith offered the following amendment:

Amend Section 1, line 19, by inserting after the word "of" the word "the," and after the word "justice" the words "of the peace; and provided, that the provisions of this act shall apply to misdemeanor cases only."

Senator Hudspeth moved to table the amendment, which motion to table was lost by the following vote:

## Yeas—11.

Alexander.	Looney.
Cunningham.	Mayfield.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Veale.
Hudspeth.	

## Nays—15.

Barrett.	Murray.
Brachfield.	Paulus.
Chambers.	Smith.
Faust.	Stone.
Grinnan.	Terrell.
Harbison.	Watson.
Holsey.	Willacy.
Meachum.	

## Absent.

Glasscock.	Masterson.
Harper.	Senter.
Kellie.	

## RECESS.

On motion of Senator Brachfield, the Senate, at 12:30 o'clock, recessed until 2:30 o'clock today.

## AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

## HOUSE BILL NO. 290.

On motion of Senator Willacy, the pending order of business (Senate bill No. 105) was suspended, and the Senate took up, out of its order, House bill No. 290.

The bill having passed to a third reading today,

On motion of Senator Wilacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—24.

Alexander.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Veale.
Kellie.	Willacy.

## Absent.

Barrett.	Masterson.
Glasscock.	Senter.
Harbison.	Watson.
Harper.	

The Chair laid before the Senate, on third reading,

House bill No. 290, A bill to be entitled "An Act to amend Section 4, Chapter 58, of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of Texas, so as to change the time of holding district court in said Thirty-sixth Judicial District."

The bill was read third time, and passed by the following vote:

## Yeas—21.

Brachfield.	Cunningham.
Chambers.	Faust.

Green.	Meachum.
Greer.	Murray.
Griggs.	Paulus.
Grinnan.	Skinner.
Holsey.	Smith.
Hudspeth.	Stone.
Kellie.	Terrell.
Looney.	Willacy.
Mayfield.	

## Absent.

Alexander.	Masterson.
Barrett.	Senter.
Glasscock.	Stokes.
Harbison.	Veale.
Harper.	Watson.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 171, A bill to be entitled "An Act to amend Section 53, Article 642, Chapter 2, Title XXI, of the Revised Statutes of Texas, and to validate certain bonds issued by terminal railway companies," with amendments.

House bill No. 313, A bill to be entitled "An Act to amend Section 31 of an act passed by the Twenty-ninth Legislature, being Chapter 104, Acts Twenty-ninth Legislature, entitled 'An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General, and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called into active service, and to repeal all laws in conflict therewith.'"

House bill No. 550, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school, to be located in West Texas west of the 100th meridian and between the thirty-first and twenty-fourth parallels of latitude, and to be known as the West Texas State Normal School."

House bill No. 465, A bill to be entitled "An Act to compel railway and interurban companies to provide suitable crossings in unincorporated towns of Texas through which they maintain and operate steam or electric interurban

railways, and providing penalties for violation of this act."

House bill No. 499, A bill to be entitled "An Act to grant the right of way to the Texas Midland Railroad and to authorize it to construct and operate a railroad switch or spur track or tracks from a point on the main line of the said Texas Midland Railroad at or near Eula station, a point or points near the power house at the North Texas Insane Asylum and across and upon said lands belonging to the State of Texas and used in connection with said asylum and to authorize the acquisition of a right of way for such switch or spur track or tracks across and upon other intervening lands belonging to others and to authorize the purchase and erection of a railroad scale near said asylum, and to authorize the board of managers of the North Texas Insane Asylum to enter into a contract with the Texas Midland Railroad for the construction and operation of said switch or spur track or tracks, and to appropriate the necessary funds to procure said right of way and scales to carry out said contract."

House bill No. 306, A bill to be entitled "An Act to prevent the matching of cock fights and fights between other animals or fowls and to prevent the keeping of cockpits or other places for the purpose of matching fights between cocks or any other animals or fowls."

House bill No. 345, A bill to be entitled "An Act to preserve and protect the wild game, wild birds and wild fowls of the State, to provide adequate penalties for the violation of this act and the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws or parts of laws in conflict herewith."

House bill No. 379, A bill to be entitled "An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner, providing for his salary and fixing his additional powers and duties, providing for a hunting license for both resident and non-resident hunters, providing that funds received from the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird law shall be used only for the protection and propagation of birds and game, and the salaries and expenses provided by this act; and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## HOUSE BILL NO. 381.

On motion of Senator Meachum, the pending order of business (Senate bill No. 105) was suspended, and the Senate took up, out of its order, House bill No. 381.

The Chair laid before the House, on second reading.

House bill No. 381, A bill to be entitled "An Act to repeal an act to create a more efficient road system for Leon county, Texas, passed at the Regular Session of the Twenty-seventh Legislature of the State of Texas, presented to the Governor of Texas for his approval on the 29th day of March, 1901, and which took effect ninety days after the adjournment of the Legislature then in session."

On motion of Senator Meachum, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Barrett.	Masterson.
Glasscock.	Murray.
Harbison.	Senter.
Harper.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Mayfield.
Faust.	Meachum.
Green.	Murray.
Greer.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Holsey.	Stone.

Terrell.  
Veale.

Watson.  
Willacy.

Absent.

Barrett.  
Glasscock.  
Harbison.  
Harper.

Masterson.  
Senter.  
Stokes.

## SENATE BILL NO. 171—HOUSE AMENDMENTS CONCURRED IN.

Senator Griggs called up, as a privileged matter,

Senate bill No. 171, A bill to be entitled "An Act to amend Section 53, Article 642, Chapter 2, Title XXI, of the Revised Statutes of Texas, and to validate certain bonds issued by terminal railway companies."

And moved that the Senate concur in the following House amendments:

(1.)

Amend Senate bill No. 171 by striking out all after the word "stock," in Section 1, line 30, down to and including the words "Railroad Commission," in line 33, and insert in lieu thereof the following: "Provided, that its stock and bonds shall be issued under the direction of the Railroad Commission of this State in accordance with the stock and bond law regulating the issuance of stocks and bonds by railroads, and the Commission shall fix the values of the property, rights and franchises of such terminal railway company and its stocks and bonds shall not exceed the amount authorized by the Railroad Commission of Texas, and jurisdiction over the issuance of the bonds herein authorized is hereby expressly vested in the Railroad Commission."

(2.)

Amend the bill by adding after the words "charges or services," in Section 1, line 40, the following: "Provided further, that the provisions of Articles 4564, 4565 and 4566 of the Revised Statutes of Texas, shall apply to any and all orders, rulings, judgments and decrees of the Railroad Commission made, entered or held under the provisions of this act in regard to such terminal railway companies."

The motion to concur prevailed by the following vote:

Yeas—23.

Alexander.  
Brachfield.

Chambers.  
Cunningham.

Faust.	Meachum.
Green.	Murray.
Greer.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Holsey.	Stone.
Hudspeth.	Terrell.
Kellie.	Veale.
Looney.	Watson.
Mayfield.	

Absent.

Barrett.	Masterson.
Glasscock.	Senter.
Harbison.	Stokes.
Harper.	Willacy.

Senator Griggs moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 70.

On motion of Senator Stone, the pending order of business (Senate bill No. 105) was suspended, and the Senate took up, out of its order, Senate bill No. 70.

The Chair laid before the Senate, on second reading,

Senate bill No. 70, A bill to be entitled "An Act to amend Article 5065 of Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 127 of the General Laws of the State of Texas, passed by the Twenty-ninth Legislature at its regular session in A. D. 1905, so as to define, exempt, and regulate the exemption of endowment funds of educational institutions from taxation."

Senator Stone offered the following amendment, which was adopted:

Amend the bill by adding at the end of the bill the following:

"The near approach of the end of the session and the crowded condition of the calendar, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule, requiring bills to be read on three several days, and the said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Bill read second time, and ordered engrossed.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Barrett.	Masterson.
Glasscock.	Murray.
Harbison.	Senter.
Harper.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Barrett.	Masterson.
Glasscock.	Murray.
Harbison.	Senter.
Harper.	Stokes.

Senator Stone moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 105.

Action here recurred on Senate bill No. 105, the question being on the pending amendment by Senator Smith, and, by unanimous consent, the same was withdrawn.

Senator Skinner offered the following amendment:

Amend the bill by striking out the words "or reversed," in line 13, page 1, and insert in lieu thereof the words "or reversal had."

The amendment was read, and adopted by the following vote:

## Yeas—21.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Meachum.
Faust.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Watson.
Holsey.	Willacy.
Hudspeth.	

## Nays—3.

Chambers.	Terrell.
Paulus.	

## Absent.

Glasscock.	Murray.
Harbison.	Senter.
Harper.	Stokes.
Masterson.	

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by inserting after the word "for," in line 15, page 1, the following "any technical."

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by inserting after the word "of," in line 18, page 1, the following, "is fundamental and."

Senator Chambers offered the following amendment:

Amend Senate bill No. 105 by striking out the word "no," in line 12, page 1.

On motion of Senator Hudspeth the amendment was tabled.

## SIMPLE RESOLUTION—CONSIDERATION OF.

Senator Looney here called up the simple resolution introduced by him this morning, with reference to Senate bill No. 26, and which was on the table subject to call. (See former proceeding of today for resolution in full.)

Senator Looney offered the following substitute for the resolution:

Whereas, On March 28th, both branches of the Legislature adopted House Concurrent Resolution No. 26, requesting the Governor of this State to return to the House and to the Senate Senate bill No. 26 for correction and amendment; and

Whereas, On the same day the Governor did, through his messenger, in response to said request, transmit to the Senate said Senate bill No. 26, entitled "An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12,

Laws of 1901, and to pass in lieu thereof this act to create a Board of Medical Examiners for the examination and licensing of all physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for proper registration; the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice"; and now, therefore, be it

Resolved by the Senate, That Senate bill No. 26, before mentioned, be transmitted to the House of Representatives, in order that the said House may rescind and reconsider its action had on said bill on former days of this session, in order that the bill may be amended and corrected, and finally passed as amended and corrected.

The substitute was read and adopted, and

The resolution, as substituted, was then adopted.

Senator Looney moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 105.

Action recurred on Senate bill No. 105, and

Senator Meachum offered the following amendment:

Amend the bill as amended by adding after the word "fundamental," in line 18, the words "or material."

Senator Hudspeth moved the previous question on the amendment and the bill. The previous question was duly seconded.

The Senate refused to order same by the following vote:

## Yeas—11.

Cunningham.	Mayfield.
Green.	Paulus.
Greer.	Skinner.
Griggs.	Stokes.
Hudspeth.	Willacy.
Kellie.	

## Nays—17.

Alexander.	Looney.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Smith.
Faust.	Stone.
Glasscock.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	

## Absent.

Harper.	Senter.
Masterson.	

The amendment by Senator Meachum was then adopted.

Action then recurred on the amendment by Senator Terrell, and

Senator Meachum offered the following amendment:

Amend the bill, in line 18, by striking out the word "affirmatively."

The amendment was adopted.

(Senator Holsey in the chair.)

Senator Smith offered the following amendment:

Amend Section 1 as follows:

(1.)

Amend line 13 by inserting before the word "misdirection" the word "technical."

(2.)

Amend line 15 by inserting before the word "evidence" the word "immaterial."

(3.)

Amend lines 18 and 19 by striking out all after the word "material."

(Senator Stone in the chair.)

The amendment was read and lost by the following vote:

Yeas—12.

Brachfield.	Paulus.
Grinnan.	Smith.
Harbison.	Stone.
Holsey.	Terrell.
Meachum.	Veale.
Murray.	Watson.

Nays—14.

Alexander.	Griggs.
Barrett.	Hudspeth.
Cunningham.	Kellie.
Faust.	Looney.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Willacy.

Absent.

Harper.	Senter.
Masterson.	

PAIRED.

Senator Chambers (present), who would vote "yea," with Senator Mayfield (absent), who would vote "nay."

Senator Glasscock offered the following amendment:

Amend by adding to Section 1, in line 19, page 1, the following words, "or that the rights of the defendants have been injured or prejudiced thereby."

Senator Skinner moved the previous question on the amendment and the bill,

which motion, being duly seconded, was so ordered.

The amendment was then adopted.

Action then recurred on the amendment by Senator Terrell, and the same was lost by the following vote:

Yeas—7

Brachfield.	Smith.
Grinnan.	Terrell.
Meachum.	Watson.
Murray.	

Nays—19.

Alexander.	Hudspeth.
Barrett.	Kellie.
Cunningham.	Looney.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Stone.
Griggs.	Veale.
Harbison.	Willacy.
Holsey.	

Absent.

Harper.	Senter.
Masterson.	

PAIRED.

Senator Chambers (present), who would vote "yea," with Senator Mayfield (absent), who would vote "nay."

The bill was read second time, and ordered engrossed by the following vote:

Yeas—18.

Alexander.	Holsey.
Barrett.	Hudspeth.
Cunningham.	Kellie.
Faust.	Looney.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Veale.
Harbison.	Willacy.

Nays—8.

Brachfield.	Smith.
Grinnan.	Stone.
Meachum.	Terrell.
Murray.	Watson.

Absent.

Harper.	Senter.
Masterson.	

PAIRED.

Senator Chambers (present), who would vote "nay," with Senator Mayfield (absent), who would vote "yea."

Senator Hudspeth moved that the constitutional rule requiring bills to be read

on three several days be suspended, and the bill be put on its third reading.

The motion was lost by the following vote, a four-fifths vote being necessary:

## Yeas—19.

Alexander.	Hudspeth.
Barrett.	Kellie.
Cunningham.	Looney.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Stone.
Griggs.	Veale.
Harbison.	Willacy.
Holsey.	

## Nays—7.

Brachfield.	Smith.
Grinnan.	Terrell.
Meachum.	Watson.
Murray.	

## Absent.

Harper.	Senter.
Masterson.	

## PAIRED.

Senator Chambers (present), who would vote "nay," with Senator Mayfield (absent), who would vote "yea."

## SENATE BILL NO. 230—HOUSE AMENDMENTS CONCURRED IN.

Senator Glasscock moved to rescind the vote by which the Senate concurred in the House amendments to Senate bill No. 230. (See proceedings of Friday, March 29, for the amendments.)

The motion prevailed.

Senator Glasscock then moved that the Senate concur in the House amendments, and asked for a roll call.

The motion to concur prevailed by the following vote:

## Yeas—27.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	Willacy.
Hudspeth.	

## Absent.

Harper.	Mayfield.
Masterson.	Senter.

Senator Glasscock moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 630.

On motion of Senator Holsey, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, House bill No. 630.

The Chair laid before the Senate, on second reading,

House bill No. 630, A bill to be entitled "An Act to amend Sections 28, 185, 193, and to repeal Sections 49 to 64, inclusive, of an act to incorporate the city of Corsicana, Navarro county, passed by the Twenty-eighth Legislature, and which became a law April 21, 1903, and to establish for said city of Corsicana the corporation court provided and required by Chapter 33 of the General Laws of the Twenty-sixth Legislature of the State of Texas, and declaring an emergency."

On motion of Senator Holsey, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Holsey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—27.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	Willacy.
Hudspeth.	

## Absent.

Harper.	Mayfield.
Masterson.	Senter.

The bill was read third time, and passed by the following vote:

## Yeas—27.

Alexander	Kellie.
Barrett.	Looney.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	Willacy.
Hudspeth.	

## Absent.

Harper.	Mayfield.
Masterson.	Senter.

Senator Holsey moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 279.

Senator Skinner moved that the pending order of business (Senate bill No. 22) be suspended, and the Senate take up, out of its order, Senate bill No. 279.

Senator Harbison moved, as a substitute, that the pending order of business (Senate bill No. 22) be suspended, and the Senate take up, out of its order, House bill No. 416.

The substitute motion was lost, and Senator Skinner's motion was adopted.

The Chair laid before the Senate, on second reading,

Senate bill No. 279, A bill to be entitled "An Act to exempt all cotton factory and roller mill insurance companies of this State from the provisions of the insurance laws of this State governing foreign corporations doing business in this State."

On motion of Senator Skinner, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Skinner, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Skinner, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Alexander.	Looney.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Paulus.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Harbison.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

## Absent.

Glasscock.	Masterson.
Grinnan.	Mayfield.
Harper.	Senter.

The bill was read third time, and passed by the following vote:

## Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	Willacy.
Hudspeth.	

## Absent.

Glasscock.	Mayfield.
Harper.	Senter.
Masterson.	Stokes.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 141.

On motion of Senator Paulus, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 141.

The Chair laid before the Senate, on third reading,

Senate bill No. 141, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education of such practitioners, and to insure better sanitary conditions in barber shops, and



to prevent the spread of disease in the State of Texas, and declaring an emergency."

Senator Paulus offered the following amendment:

Amend Section 7, page 2, by inserting after the word "person," in line 1, the following: "Not engaged as barber at the time of the passage of this act."

The amendment was adopted by the following vote:

Yeas—21.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Stone.
Greer.	Veale.
Griggs.	Watson.
Grinnan.	Willacy.
Harbison.	

Nays—2.

Glasscock.	Smith.
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Absent.

Harper.	Mayfield.
Holsey.	Senter.
Hudspeth.	Stokes.
Masterson.	Terrell.

Senator Green offered the following amendment:

Amend the bill by striking out all after the word "act," in Section 7, down to Section 8.

The amendment was read, and adopted by a unanimous vote.

Senator Paulus offered the following amendment:

Amend Section 8, page 3, by adding after the word "act," in line 15, the following: "Provided, that nothing in this act shall apply to the students of the State University or other schools of the State, who are, or may be, making their way through school by serving as barber, or those serving as barber in any of the eleemosynary institutions of the State; nor shall the provisions of this section apply to persons serving as barber in towns of 1000 inhabitants or less."

The amendment was adopted by a unanimous vote.

Senator Green offered the following amendment:

Amend the bill by striking out all after the word "serve," Section 9, page 805, Journal, down to Section 10.

The amendment was adopted by a unanimous vote.

Senator Green offered the following amendment:

Amend the bill by striking out all after the word "officer," Section 12, down to Section 13.

The amendment was adopted by a unanimous vote.

The bill was read third time, and passed by the following vote:

Yeas—17.

Alexander.	Kellie.
Brachfield.	Meachum.
Chambers.	Paulus.
Faust.	Skinner.
Glasscock.	Stone.
Green.	Veale.
Greer.	Watson.
Griggs.	Willacy.
Grinnan.	

Nays—8.

Barrett.	Looney.
Cunningham.	Murray.
Harbison.	Smith.
Holsey.	Terrell.

Absent.

Harper.	Mayfield.
Hudspeth.	Senter.
Masterson.	Stokes.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 310.

On motion of Senator Terrell, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 310.

This bill having been introduced today,

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—25.

Alexander.	Harbison.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Cunningham.	Looney.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.

Veale. Willacy.  
Watson. Absent.

Harper. Senter.  
Masterson. Skinner.  
Mayfield. Stokes.

(Lieutenant Governor Davidson in the chair.)

The Chair laid before the Senate, on second reading,

Senate bill No. 310, A bill to be entitled "An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said district, and validating process, and providing an emergency."

On motion of Senator Terrell, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Terrell, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	Willacy.

Absent.

Harper.	Senter.
Masterson.	Stokes.
Mayfield.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Faust.
Barrett.	Green.
Brachfield.	Greer.
Chambers.	Griggs.
Cunningham.	Grinnan.

Harbison.	Skinner.
Holsey.	Smith.
Hudspeth.	Stokes.
Kellie.	Stone.
Looney.	Terrell.
Meachum.	Veale.
Murray.	Watson.
Paulus.	Willacy.

Absent.

Glasscock.	Mayfield.
Harper.	Senter.
Masterson.	

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 307.

On motion of Senator Willacy, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 307.

The Chair laid before the Senate, on second reading,

Senate bill No. 307, A bill to be entitled "An Act to grant and transfer to the United States government land belonging to the State of Texas, situated on Mustang Island, in Nueces county, Texas, on which to locate, construct and maintain all or a part of the South Jetty to be constructed by the United States government in the improvement of the harbor and pass, or either, at Aransas Pass, Texas, and on which to construct engineers' offices and other necessary buildings, and forts and barracks, and to grant, cede and transfer to said United States government the tide lands in front of and all future accretions and accumulations to all said lands, and all other lands heretofore acquired or hereafter acquired by the United States government for the improvement of said pass or harbor; and for the cession by the State of Texas to the United States government of jurisdiction over all such lands or the accretions thereto, or the accumulations thereof, and declaring an emergency."

On motion of Senator Willacy, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Willacy, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the

constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Holsey.	Willacy.

Present—Not Voting.

Smith.

Absent.

Harper.	Mayfield.
Masterson.	Senter.

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Skinner.
Faust.	Stokes.
Glasscock.	Stone.
Green.	Terrell.
Greer.	Veale.
Griggs.	Watson.
Holsey.	Willacy.
Hudspeth.	

Nays—2.

Grinnan.	Smith.
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Absent.

Harbison.	Mayfield.
Harper.	Paulus.
Masterson.	Senter.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### MESSAGE FROM THE GOVERNOR.

Executive Office,  
Austin, Texas, April 1, 1907.

To the Senate:

The advice and consent of the Senate is asked to the appointment as Notaries

Public of the persons whose names appear in the list transmitted herewith.

T. M. CAMPBELL,  
Governor.

(Note.—See full list of notaries under date of April 9th.)

#### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 398, A bill to be entitled "An Act to require railroad companies chartered under the laws of the State of Texas and doing business in this State to purchase sufficient rolling stock and motive power to handle all passenger and freight traffic comfortably, expeditiously and without unreasonable delay, and conferring authority upon the Railroad Commission of Texas to require compliance with the provisions of this act, and prescribing penalties for their failure to do so or to observe orders made therein by the Railroad Commission of Texas," with engrossed rider.

House bill No. 483, A bill to be entitled "An Act to amend Chapter 125 of the Acts of the Twenty-eighth Legislature, being entitled 'An Act for the creation and maintenance of a Pasteur hospital for the treatment of hydrophobia,' so as to provide for the disposition of fees paid by non-indigent patients."

Respectfully,

BOB BARKER,  
Chief Clerk, House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 550, to Committee on Educational Affairs.

House bill No. 499, to Committee on Internal Improvements.

House bill No. 398, to Committee on Internal Improvements.

House bill No. 483, to Committee on Public Health.

#### SENATE BILL NO. 286.

On motion of Senator Alexander, the pending order of business (Senate bill No. 22) was suspended, and the Senate took up, out of its order, Senate bill No. 286.

Bill having been engrossed today,

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—20.

Alexander.	Kellie.
Barrett.	Looney.
Chambers.	Meachum.
Cunningham.	Skinner.
Faust.	Smith.
Glasscock.	Stone.
Green.	Terrell.
Greer.	Veale.
Griggs.	Watson.
Hudspeth.	Willacy.

## Nays—4.

Brachfield.	Holsey.
Grinnan.	Murray.

## Present—Not Voting.

Stokes.

## Absent.

Harbison.	Mayfield.
Harper.	Paulus.
Masterson.	Senter.

## RECESS.

On motion of Senator Kellie, the Senate, at 6:15 o'clock p. m., recessed until 8 o'clock tonight.

## AFTER RECESS.

## (Night Session.)

The Senate was called to order by Lieutenant Governor Davidson.

## SENATE BILL NO. 257.

The Chair laid before the Senate, on second reading, and which was pending business from last Thursday night, the last night session held,

Senate bill No. 237, A bill to be entitled "An Act to amend Articles 5091, 5094, 5095, 5099, 5106, 5120, 5123 of Title CIV, Chapter 3, of the Revised Statutes of Texas of 1895, pertaining to the duties of tax assessors and their deputies and the assessment of property for taxation and the preparation of the tax rolls and other matters pertaining thereto, and adding to said Title and Chapter Articles 5153a, 5153b, 5153c, 5153d and 5153e, providing for penalties for the violation of the provisions of this act, and the mode of enforcing the provisions of this act, and providing an emergency,

and amending Article 5098 of an act passed by the Twenty-fifth Legislature, Chapter 142, page 204 of the Acts of said Legislature, which was an amendment of Article 5098 of the Revised Statutes of Texas of 1895."

The question being on the pending amendment by Senator Harper and

Senator Stone, by unanimous consent, withdrew the amendment.

Senator Murray offered the following amendment:

Amend the bill by striking out of the bill Article 5098, on pages 3 and 4.

(Senator Stone in the chair.)

The amendment was read and lost.

Senator Griggs offered the following amendment, which was adopted:

Amend the bill by inserting after the word "same," line 7, page 4, the following: "And I further swear that the above and foregoing inventory and list contains and includes all cash money that I had owned or claimed upon the first day of January this year, upon deposit in any bank within the State of Texas, and that I had not, before nor since said January 1, this year, removed any money from any bank or other depository, nor had I sent any money out of this county nor State, nor transferred any money into any other form for the purpose of avoiding the assessment thereof for taxation. And I further swear that the above and foregoing list and inventory includes all stocks, bonds, notes, liens and securities of every kind and character which represents a money value, and is therein assessed at its face value, and that I have not, within one year from this date, sent, taken, nor caused to be sent or taken out of this county or this State for the purpose of evading the assessment thereof for taxation."

Senator Terrell moved the previous question on the bill, which motion, being duly seconded, was so ordered.

On the engrossment, the bill was read second time, and ordered engrossed by the following vote:

## Yeas—16.

Alexander.	Mayfield.
Brachfield.	Meachum.
Cunningham.	Paulus.
Green.	Skinner.
Griggs.	Stone.
Holsey.	Terrell.
Hudspeth.	Veale.
Kellie.	Willacy.

## Nays—10.

Barrett.	Faust.
Chambers.	Greer.

Grinnan.	Murray.
Harbison.	Smith.
Looney.	Watson.

Present—Not Voting.

Glasscock.

Absent.

Harper.	Senter.
Masterson.	Stokes.

Senator Terrell moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill be put on its third reading.

The motion was lost by the following vote, a four-fifths vote being necessary:

Yeas—16.

Alexander.	Mayfield.
Brachfield.	Meachum.
Cunningham.	Paulus.
Green.	Skinner.
Griggs.	Stone.
Holsey.	Terrell.
Hudspeth.	Veale.
Kellie.	Willacy.

Nays—11.

Barrett.	Harbison.
Chambers.	Looney.
Faust.	Murray.
Glasscock.	Smith.
Greer.	Watson.
Grinnan.	

Absent.

Harper.	Senter.
Masterson.	Stokes.

Senator Terrell moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 190.

On motion of Senator Veale, the Chair laid before the Senate, on second reading,

Senate bill No. 190, A bill to be entitled, "An Act to amend Chapter 128 of the Acts of the Regular Session of the Twenty-sixth Legislature of the State of Texas, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prohibited from running at large in the following counties or any subdivision of said counties, viz.: Cooke, Bell, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin and Brazos, as amended by Chapter 24 of the Acts of the Twenty-

seventh Legislature of the State of Texas, and as amended by Chapter 71 of the Acts of the Twenty-eighth Legislature of the State of Texas, by adding thereto Section 20a, providing that each and every railroad company having a line of railway in any county or subdivision thereof where the provisions of the preceding sections of said Chapter have been or may hereafter be adopted, shall be liable to the owner for the value of all stock killed or injured by the locomotives and cars of such railroad company in running over the respective railways, which may be recovered by suit before any court having jurisdiction of the amount, and providing that if the railroad company shall fence its road it shall only then be liable in cases of injury resulting from want of ordinary care, as amended by Chapter 117 of the Acts of the Twenty-ninth Legislature, so as to require railway companies to make reports of all stock killed or injured in the operation of their trains to the county clerks of the State, and declaring an emergency."

On motion of Senator Veale, the committee report, with amendments, was adopted.

Senator Veale offered the following amendment, which was adopted:

Amend Senate bill No. 190 by striking out in line 25, page 2, of the bill the following words, "be punished by fine," and insert in lieu thereof the following, "be deemed guilty of a misdemeanor, and upon conviction shall pay to the State of Texas a penalty of."

Senator Veale offered the following amendment, which was adopted:

Amend Senate bill No. 190 by adding after the word "brand," in line 19, on page 2 of the bill, the following: "If such animal be marked or branded."

Senator Veale offered the following amendment, which was adopted:

Amend Senate bill No. 190 by adding after the word "occurred," in line 22, on page 2 of the bill, the following: "And the day, month and year when such injury was inflicted."

Bill read second time, and ordered engrossed.

#### COMMITTEE SUBSTITUTE SENATE BILL NO. 39—GENERAL APPROPRIATION BILL.

On motion of Senator Watson,

The Chair laid before the Senate, on second reading,

Senate bill No. 39, A bill to be entitled "An Act making appropriations for the support of the State govern-

ment for two years, beginning September 1, 1907, and ending August 31, 1909, and for other purposes, and prescribing certain regulations and restrictions in respect thereto."

The question being on the committee report, which recommended a substitute bill, and on motion of Senator Watson the report was adopted.

The question being on the engrossment of the bill as substituted, and

Senator Smith offered the following amendment:

Amend lines 13 and 14, page 26, by making the appropriation \$41,500 for each year, instead of \$37,500 for each year.

Senator Skinner moved to table the amendment, which motion to table prevailed.

Senator Chambers offered the following amendment:

Amend Senate Committee Substitute for Senate bill No. 39, on page 33, by striking out all of lines 10 to 32, inclusive.

Senator Willacy moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—19.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Greer.	Terrell.
Griggs.	Watson.
Harbison.	Willacy.
Holsey.	

Nays—5.

Chambers.	Murray.
Hudspeth.	Stone.
Kellie.	

Absent.

Glasscock.	Senter.
Grinnan.	Stokes.
Harper.	Veale.
Masterson.	

Senator Terrell offered the following amendment:

Amend by adding after line 6 of the printed bill the following:

"Whereas, The present Legislature will not likely remain long in session; now, therefore, an imperative public necessity and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is suspended, and this act shall take effect from and after September 1, 1907, and it is so enacted."

Senator Holsey here moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost.

Senator Stone moved the previous question on the amendment and the bill, which motion, being duly seconded, was so ordered.

The amendment was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Harbison.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Glasscock.	Senter.
Grinnan.	Stokes.
Harper.	Veale.
Masterson.	

Senator Smith offered the following amendment:

Amend line 24, page 29, by inserting the following: "For adding to main building the east wing thereto, the sum of \$50,000 for the year ending August 31, 1909."

Senator Skinner moved the previous question on the amendment and the bill, the motion, being duly seconded, was so ordered.

The amendment by Senator Smith was read, and lost by the following vote:

Yeas—6.

Glasscock.	Looney.
Harbison.	Murray.
Hudspeth.	Smith.

Nays—19.

Alexander.	Green.
Barrett.	Greer.
Brachfield.	Griggs.
Chambers.	Holsey.
Cunningham.	Kellie.
Faust.	Mayfield.

Meachum.	Terrell.
Paulus.	Watson.
Skinner.	Willacy.
Stone.	

Absent.

Grinnan.	Senter.
Harper.	Stokes.
Masterson.	Veale.

The bill was read thrid time, and passed by the following vote:

Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brackfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Harbison.	Watson.
Holsey.	Willacy.
Hudspeth.	

Absent.

Grinnan.	Senter.
Harper.	Stokes.
Masterson.	Veale.

## REASONS FOR VOTING.

I wish to place on record an explanation of the fact that I am recorded as voting for the adoption of the motion to concur in the House amendments to Senate bill No. 6, known as the "Santa Fe Merger Bill." I am and have been opposed to this bill throughout, and voted against it at all its stages, as the record will show. When the matter was called up this morning to concur in the House amendments, the bill was simply referred to by number, and not by caption, and hence escaped my attention as being the merger bill, and as we were in the midst of numerous roll calls on local bills, and also on privileged questions of various kinds, I voted upon this measure while deeply engrossed in preparing amendments to the medical bill, and did not know until after the matter had passed that I had voted on this measure. While my vote would not have changed the result, still I would have voted against concurrence had I known the bill was up, for the following reasons: One of the House amendments is a valuable one, in that it would tend to lessen the amount of indebtedness which the railway company is permitted to impose upon this prop-

erty, but the other amendment which struck out of the Senate bill a provision requiring the Santa Fe Railway Company to obey the orders and rates of the Railroad Commission of Texas until set aside by a court on final hearing, was of far more materiality, and I would not have been in favor of concurring in this amendment. The fact is that at last session I offered an amendment to what was known as the "Southern Pacific Merger Bill" embodying the same proposition, and while this amendment offered by me was not adopted, it embodied the same principle which was stricken out of the Senate bill by the House amendment, and was, in fact, the same principle embodied in what was known as the court review amendment proposed by Senator Bailey to the Rate Bill in the Senate of the United States during the pendency of that measure in the summer of 1906. I shall not make an attempt to rescind or reconsider the vote by which the Senate concurred, as it would be a useless consumption of the time of this body, but ask leave to make this statement a part of the record of these proceedings.

LOONEY.

## BILLS SIGNED BY THE CHAIR.

The Chair (President Pro Tem. Skinner) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read:

Senate bill No. 6, "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Company now owned and hereafter acquired, and the railroads and all other properties of the Gulf & Interstate Railway of Texas now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company and as part of its own lines, and to extend the said railroads, and to construct branches therefrom, by amendments to its charters under the General Laws of the State of Texas, and to authorize the corporation or corporations, person or persons now or hereafter owning the said property to sell the same or any part thereof to the Gulf, Colorado & Santa Fe Railway Company, and until such purchases are made to authorize the lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of the said other companies, or either of them, and to authorize the Gulf, Colorado & Santa

Fe Railway Company, until acquired by it, or canceled, as provided herein, or by existing acts, to guarantee the payment of the bonds heretofore or hereafter issued, and the interest thereon, of the Texas & Gulf Railway, the Gulf, Beaumont & Great Northern Railway Company, the Gulf, Beaumont & Kansas City Railway Company and the Gulf & Interstate Railway Company of Texas."

House bill No. 364, "An Act to prohibit any corporation or receiver operating a line of railway, in whole or in part, in the State of Texas, or any officer, agent or representative of such corporation or receiver, from requiring or permitting any conductor, engineer, fireman, brakeman, train dispatcher or telegraph operator who has been on duty for fourteen consecutive hours to perform any work until he has had at least eight hours off duty."

#### FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 14.

The Chair here, upon having his attention called to it, appointed the following Free Conference Committee on House bill No. 14: Senators Mayfield, Looney, Stone, Chambers and Hudspeth.

#### ADJOURNMENT.

On motion of Senator Glasscock, the Senate, at 10:25 o'clock, adjourned until tomorrow morning at 10 o'clock.

#### APPENDIX.

#### LETTER FROM SENATOR CULBERSON.

The Chair had the following communication read to the Senate:

Dallas, Texas, March 28, 1907.

Mr. C. D. Smith, Secretary of the Senate, Austin, Texas.

Dear Sir: Your note of the 25th instant, enclosing a copy of the resolution adopted by the Senate, inviting me to deliver an address before the Legislature, is received and most cordially appreciated. Previous to this I received information of a resolution having passed the House of Representatives inviting me to address that body, and I telegraphed the Speaker fully on the subject, stating among other things that I would communicate with him later from here. Just now, in view of some pressing private matters which keep me at Dallas, I can not state definitely when I will be in Austin; but I will certainly be there before the adjournment

of the Legislature. It may not suit the convenience of the Legislature for me to address the body at that time, but, as I stated to the Speaker, I will certainly make personal acknowledgment of the compliment paid me by the invitation.

Yours very truly,  
C. A. CULBERSON.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House Concurrent Resolution No. 20, Resolved by the House, the Senate Concurring, That the Thirtieth Legislature stand adjourned sine die at 1 o'clock p. m., Saturday, April 6th, A. D. 1907,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass with the following amendment:

That House Concurrent Resolution No. 20 be so amended as to read as follows: Strike out "April 6th, A. D. 1907," and add in lieu thereof "April 16th, A. D. 1907," and be not printed.

●Faust, Chairman; Holsey, Green, Murray, Brachfield, Greer, Terrell.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

Senate bill No. 297, A bill to be entitled "An Act to amend Articles 5058, 5059 and 5060, of Title CIV, Chapter 1, Revised Civil Statutes of 1895 of the State of Texas, and to add thereto Article 5058a,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Faust, Terrell, Greer, Green, Holsey, Brachfield.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

Senate bill No. 242, A bill to be entitled "An Act for the relief of the Houston Light Guard, a militia com-



pany known officially as 'Company A,' First Infantry, Texas National Guard, by rendering valid its title to armory property in the city of Houston, Texas,"

Have had the same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass.

Kellie, Chairman; Glasscock, Green, Hudspeth, Griggs, Greer, Faust, Barrett.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

Senate bill No. 228, A bill to be entitled 'An Act to amend Section 54, Chapter 104, of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General, and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called into actual service, and to repeal all laws in conflict therewith,' so as to limit the amount of real and personal property that shall be owned and conveyed by militia companies to two hundred thousand dollars, and to repeal Article 3426, Revised Civil Statutes of Texas, relating to the amount of property that may be owned by militia companies,"

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass.

Kellie, Chairman; Glasscock, Green, Hudspeth, Griggs, Greer, Faust.

(Floor Report.)

Committee Room,  
Austin, Texas, March 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 279, A bill to be entitled "An Act to exempt all cotton factory insurance companies of this State from the provisions of the insurance laws of this State governing foreign corporations doing business in this State,"

Have had the same under consideration, and report it back to the Senate

with the recommendation that it do pass, and be not printed.

Terrell, Looney, Watson, Mayfield, Griggs.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Internal Improvements, to whom was referred

House bill No. 499, A bill to be entitled "An Act to grant a right of way to the Texas Midland Railroad, and to authorize it to construct and operate a railroad switch or spur, track or tracks, from a point on the main line of the said Texas Midland Railroad, at or near Eula Station, to a point near the power house at the North Texas Insane Asylum, and across and upon lands belonging to the State of Texas and used in connection with said asylum, and to authorize the acquisition of a right of way for such switch or spur track or tracks across and upon other intervening lands belonging to others, and to authorize the purchase and erection of a railroad scale near said asylum, and to authorize the board of managers of the North Texas Insane Asylum to enter into a contract with the Texas Midland Railroad for the construction and operation of said switch or spur track or tracks, and to appropriate the necessary funds to procure said right of way and scales and to carry out said contract."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Brachfield, Chairman; Faust, Skinner, Alexander, Chambers, Willacy, Meachum, Green, Looney.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 307, A bill to be entitled "An Act to grant and transfer to the United States government land belonging to the State of Texas, situated on Mustang Island, in Nueces county, Texas, on which to locate, construct and maintain all or a part of the south jetty to be constructed by the United States government in the improvement of the harbor and pass, or either, at Aransas

Pass, Texas, and on which to construct engineer's offices and other necessary buildings and forts and barracks, and to grant, cede and transfer to said United States government the tide lands in front of and all future accretions and accumulations to all said lands, and all other lands heretofore acquired or hereafter acquired by the United States government for the improvement of said pass or harbor; and for the cession by the State of Texas to the United States government of jurisdiction over all such lands or the accretions thereto or the accumulations thereof; and declaring an emergency,"

Have had same under consideration, and beg leave to report back to the Senate with the recommendation that it do pass, and that same be not printed.

Murray, Chairman; Cunningham, Grinnan, Veale, Kellie, Green, Alexander, Willacy.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Education, to whom was referred

Senate bill No. 309. A bill to be entitled "An Act to amend Section 3 of Senate bill No. 80, passed by the Regular Session of the Thirtieth Legislature, and approved February 21, 1907, creating the Blossom Independent School District in Lamar county, Texas, and defining its boundaries."

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Green, Kellie, Meachum, Grinnan, Glasscock.

(Floor Report.)

Committee Room,  
Austin, Texas, March 29, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 306, A bill to be entitled "An Act to amend House bill No. 565, Chapter 49, of the Special Laws of the State of Texas, passed at the Twenty-ninth Legislature of said State, beginning on the 15th day of January, 1905, and adjourning on May 14, 1905, and which said act was entitled 'An Act

to incorporate the City of Beaumont, to grant it a special charter, and to repeal an act of the Legislature of the State of Texas, approved May 12, 1899, and entitled an act to incorporate the city of Beaumont, to grant it a special charter, and to fix its boundaries, and to repeal all acts amendatory of said act, and all special charters and amendments thereto heretofore granted to said city of Beaumont, and to declare an emergency,' by amending Sections 3, 6 and 7 of said act, passed by the said Twenty-ninth Legislature, which act became effective as a law on April 25, 1905, and is found on page 398 of the Special Laws of the State of Texas, passed at the Regular and First Called Sessions of the Twenty-ninth Legislature, and repealing all laws in conflict with amendments herein provided, and declaring an emergency, and striking out Sections 3, 6 and 7, and substituting Sections 3, 6 and 7, as set forth in said bill."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be no printed.

Chambers, Chairman; Green, Smith, Griggs, Masterson, Senter, Holsey, Willacy.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

House bill No. 375, A bill to be entitled "An Act to amend Section 2, Chapter 58, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and fixing the time for holding district court therein so as to change the time of holding the district court in the counties of Bee, Goliad, Jackson, Karnes, Refugio, Calhoun, Victoria and DeWitt, comprising the Twenty-fourth Judicial District of Texas."

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, with the following amendment:

Strike out all of Section 1, after the word "session," in line 5, page 2, of the bill, and add in lieu thereof the following: "Five weeks."

Watson, Chairman; Willacy, Griggs, Hudspeth, Veale, Murray.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 310, A bill to be entitled "An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said districts, and validating process and providing an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Griggs, Hudspeth, Veale, Barrett, Murray.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

House bill No. 661, A bill to be entitled "An Act to confer upon the county Court of Irion county the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said changes; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Griggs, Barrett, Willacy, Hudspeth, Veale, Murray.

(Floor Report.)

Committee Room,  
Austin, Texas, April 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

Senate bill No. 192, A bill to be entitled "An Act to prescribe the time of holding court in the various counties comprising the Thirty-eighth Judicial

District of the State of Texas, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Barrett, Murray, Hudspeth, Willacy, Griggs, Veale.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 287, A bill to be entitled "An Act to amend Article 2287 of the Revised Civil Statutes of the State of Texas, 1895, as amended by an act entitled 'An Act to amend Title XL, Chapter 2, of the Revised Civil Statutes of the State of Texas, 1895, by adding Article 2274a, and amending Articles 2282 and 2284 of said title and chapter, relating to notice for the manner of taking depositions in civil cases, approved April 12, 1905, and to repeal Article 2274a of said act of April 12, 1905, and to add to said Title XL, Chapter 2 of the Revised Civil Statutes of the State of Texas, 1895, Articles 2291a, 2291b, 2291c, 2291d, 2291e, 2291f and 2291g,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Veale, Green, Griggs, Meachum, Chambers, Paulus, Grinnan.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 493, A bill to be entitled "An Act to amend Section 15 of Chapter 94, Acts of the Twenty-eighth Legislature of Texas, entitled 'An Act to define, prohibit and declare illegal, trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts monopolies and conspiracies, and to provide for the suppression of same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith, and declaring an emergency,"

Have had the same under considera-

tion, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Chambers, Meachum, Griggs, Grinnan, Paulus, Green, Skinner, Veale, Brachfield.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred,

Senate bill No. 239, A bill to be entitled "An Act to authorize unincorporated joint stock companies or associations to sue and be sued in their name, and to prescribe the mode and effect of service on such companies,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Stone, Chairman; Veale, Chambers, Green, Griggs, Brachfield, Grinnan, Paulus, Meachum.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 113, A bill to be entitled "An Act to amend Article 1097 of Chapter 3 of Title XV of the Revised Statutes of Texas of 1895,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Meachum, Grinnan, Skinner, Chambers, Veale, Griggs.

(Minority Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 113, A bill to be entitled "An Act to amend Article 1097 of Chapter 3 of Title XV of the Revised Statutes of Texas,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do not pass.

BRACHFIELD.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

Senate bill No. 114, A bill to be entitled "An Act to amend Articles 2466 of Chapter 3, Title XLV of the Revised Civil Statutes of Texas of 1895,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Meachum, Grinnan, Skinner, Chambers, Griggs, Green.

(Minority Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 114, A bill to be entitled "An Act to amend Article 2466 of Chapter 3, Title XLV of the Revised Civil Statutes of Texas of 1895,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do not pass.

BRACHFIELD.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 144, A bill to be entitled "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

Looney, Chairman; Greer, Paulus, Barrett, Stokes, Hudspeth, Cunningham, Meachum, Alexander.

(Floor Report.)

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

Senate bill No. 308, A bill to be entitled "An Act to compel circuses, menageries, theatrical companies or shows of any character whatsoever, where an admission fee is charged, to produce and exhibit everything advertised; prescribing duties of managers in such cases; providing that failure to comply with the provisions of this act shall be a misdemeanor; prescribing punishment therefor, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

Looney, Chairman; Greer, Paulus, Hudspeth, Meachum, Cunningham, Watson.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate substitute bill No. 164, A bill to be entitled "An Act relating to fines, penalties and forfeitures due or to become due to the State of Texas by foreign or domestic corporations; to provide for the securing and enforcement of payment thereof; to fix liens upon the property of such corporations to secure payment thereof; to provide for the survival of actions and causes of action in case of the dissolution or forfeiture of charters or cancellation of permits of such corporations; to provide for the appointment of receivers; fixing venue; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 267, A bill to be entitled "An Act to authorize, enable and

permit the territory within the boundaries of the town of Estelline, in Hall county, Texas, and other lands and territory adjacent thereto to incorporate as an independent school district, for free school purposes only, to be known as Estelline Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 19, Resolution providing an amendment to Article 4 of the Constitution of the State of Texas by amending Sections 5 and 17 of said Article 4 so as to fix the compensation of the Governor at eight thousand dollars (\$8000) per annum in addition to use and occupation of the Governor's mansion, fixtures and furniture, and the compensation of the Lieutenant Governor at twenty-five hundred (\$2500) dollars per annum,

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 286, A bill to be entitled "An Act to amend an act entitled 'An Act to amend Section 1 of an act to amend an act entitled an act to redistrict the State into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 24th, 1885; to create the Forty-third Judicial District of the State of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district, approved March 30, 1887, to create the Forty-eighth Judicial District of the State of Texas, fix the times for holding court therein, and to fix the times for

holding court in the Seventeenth Judicial District of the State of Texas, and to provide for the appointment of a district judge for the said Forty-eighth Judicial District,' passed by the Twenty-second Legislature of the State of Texas, approved February 6, 1891, and being Chapter 3 of the General Laws of Texas of 1891, and to create the Sixty-seventh Judicial District of the State of Texas, fix the times of holding the district courts in Tarrant county, Texas, and to define the jurisdiction thereof, and to provide for the venue of causes in said courts, and provide for the appointment of a district judge for the Sixty-seventh Judicial district of Texas, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 220, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office of Texas to have such surveying done in the territory between the Pecos river and the Rio Grande river as may be necessary to definitely locate the mineral-bearing school land surveys, and to co-operate with the Director of the United States Geological Survey in making a topographical survey and map of the localities as surveyed, and making an appropriation therefor, and making the disturbance of landmarks and topographical marks a misdemeanor, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 70, A bill to be entitled "An Act to amend Article 5065 of Title 104, Chapter 2, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 127 of the General Laws of the State of Texas, passed by the Twenty-ninth Legislature at its Regular Session in A. D. 1905, so as to define, exempt, and regulate the exemption of endowment funds of educational insti-

tutions from taxation, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 279, A bill to be entitled "An Act to exempt all cotton factory insurance companies of this State from the provisions of the insurance laws of this State governing foreign corporations doing business in the State, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 105, A bill to be entitled "An Act to amend Article 723 of the Code of Criminal Procedure of the State of Texas, relating to new trials and the reversals on appeals, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 6, "An Act to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase the railroads and all other properties of the Texas & Gulf Railway Company now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado & Santa Fe Railway Company, and as part of its own lines, and to extend the said railroads and to construct branches therefrom, by amendment to its charter under the general laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties to sell the same, or any part thereof, to the Gulf, Colorado & Santa Fe Railway Company, and until such purchase is made, to authorize the

lease by the Gulf, Colorado & Santa Fe Railway Company of the railroads and other properties of the said other company, and until such purchase is made to authorize the Gulf, Colorado & Santa Fe Railway Company to purchase and own the capital stock of the Texas & Gulf Railway Company; and to require as a condition hereof, the construction of a railroad by either of said companies from Longview, Texas, to a point on Red river, in Texas, and of a railroad from a point on the railroad of the Texas & Gulf Railway Company to a point on the Railroad of the Gulf, Beaumont & Great Northern Railway Company, and for such purposes to authorize the Gulf, Colorado & Santa Fe Railway Company or the Texas & Gulf Railway Company to amend its charter under the general laws of the State, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Gulf, Colorado & Santa Fe Railway Company is hereby authorized and empowered to purchase the railroads and all other properties of every character of the Texas & Gulf Railway Company, now owned and hereafter acquired (said Texas & Gulf Railway Company now owns a railroad from Longview, in Gregg county, to Watterman, in Shelby county, Texas), and the corporation or corporations, person or persons, now or hereafter owning the said properties are authorized and empowered to sell, transfer and convey the said railroads and all such other properties, real, personal or mixed, to the Gulf, Colorado & Santa Fe Railway Company; when the said properties are so purchased by the Gulf, Colorado & Santa Fe Railway Company it, the said Gulf, Colorado & Santa Fe Railway Company, shall, and it is hereby authorized to, own and operate the same under its charter and as a part of its own lines, and it shall have the right, by amendment to its charter, under the general laws of this State, to extend the said railroads and to construct branches of the said railroads and of the extensions thereof.

Sec. 2. In addition to the stocks and bonds heretofore issued by it, the Gulf, Colorado & Santa Fe Railway Company is hereby empowered and authorized to issue its stocks and bonds, either or both, to make payment for the said properties, but the said stocks and bonds shall not be sold at less than par value, and before the same shall be issued, so much thereof as shall be used to pay for property in this State shall be ap-

proved by an order of the Railroad Commission of Texas, and registered by the Secretary of State; before making such order the Railroad Commission shall require satisfactory evidence that all bonds theretofore issued by said the Texas & Gulf Railway Company have been satisfied and cancelled; provided that before approval of any bonds or stock under this act, the Railroad Commission shall require the filing of all agreements relating to the purchase price and all other data pertaining thereto.

Sec. 3. The said Gulf, Colorado & Santa Fe Railway Company shall have the right to either purchase and pay for such railroads and other properties, as provided in Section 2 of this act, or it may purchase the said railroads and other properties subject to all bonds and mortgages of the Texas & Gulf Railway Company then owing or outstanding, and the said Gulf, Colorado & Santa Fe Railway Company may issue a sufficient amount of its stock to pay for the said railroads and properties, subject to the bonds and mortgages then outstanding; such stock so issued by the Gulf, Colorado & Santa Fe Railway Company to be first approved by the said Railroad Commission. In the event a purchase be made under this section, the Gulf, Colorado & Santa Fe Railway Company may at any time thereafter issue its bonds in exchange for the bonds outstanding of the Texas & Gulf Railway Company; provided, the said bonds so to be issued in exchange shall be approved by the said Railroad Commission, which shall require satisfactory evidence of the cancellation of the bonds of the Texas & Gulf Railway Company, before approving the bonds so to be issued by the Gulf, Colorado & Santa Fe Railway Company.

Sec. 4. No bonds that may be issued and no mortgages that may be on any part of any line or lines in the Indian Territory or the Territory of Oklahoma shall be a lien on any property in this State, and the Railroad Commission of this State shall not be required to approve any bonds that may be issued on any such line in the Indian Territory or the Territory of Oklahoma, and Chapter 14, Title XCIV of the Revised Civil Statutes of this State shall not apply thereto; provided, that none of the present bonded or mortgaged indebtedness of Gulf, Colorado & Santa Fe Railway Company shall ever become a lien on the properties of the Texas & Gulf Railway Company, nor upon any extension of said The Texas & Gulf Railway

Company; and provided further, that no bonded or mortgaged indebtedness shall hereafter be created upon the property, franchise or income of the Gulf, Colorado & Santa Fe Railway Company in this State, or upon the property, franchise or income of the Texas & Gulf Railway Company in this State, or any extension thereof, without the approval of the Railway Commission of Texas, which approval shall be made in accordance with the provisions of Chapter 14, Title XCIV of the Revised Civil Statutes of Texas, and of any General Law of this State applicable thereto.

Sec. 5. Until a purchase shall have been made by the Gulf, Colorado & Santa Fe Railway Company under this act of the properties described in Section 1 hereof, the said Gulf, Colorado & Santa Fe Railway Company is hereby authorized and empowered to lease said railroads and all other properties of the Texas & Gulf Railway Company for a term or terms not exceeding fifty years, upon such terms as may be agreed upon by said Gulf, Colorado & Santa Fe Railway Company and the owner or owners of said railroads and other properties, or either of them, and to operate the same, or either of the same, during any such lease as a part of its own lines. During the existence of any such lease the Texas & Gulf Railway Company shall remain liable upon all valid contracts and for all debts and liabilities of every character at the time that such lease is executed, to the same extent as though such lease had not been executed. Provided, that the rental to be paid under any such lease, in addition to the cost of maintenance and operation, shall not exceed a sum equal to the interest on the bonds of the Texas & Gulf Railway Company, approved by the Railroad Commission of Texas, and to a dividend at the rate of five per cent per annum on its stock lawfully issued.

Sec. 6. In the event of any purchase of any of the property described in Section 1 of this act by the Gulf, Colorado & Santa Fe Railway Company, said property so purchased shall, in the possession of the Gulf, Colorado & Santa Fe Railway Company, be and remain liable upon all valid contracts and for all debts and liabilities (other than bonds which may have been cancelled as provided in this act) existing at the time of such purchase, to the same extent that the same would have been while owned by and in possession of the corporation or corporations, person or persons, from whom such purchase shall be made; it being the intent hereof that

such purchase shall not discharge such property from any contract, obligation or other liability which would have existed but for such purchase, and suits pending at the time of such purchase may be prosecuted, and suits thereafter may be instituted on any such debt, liability or contract, in which service of process may be had upon any officer or agent of the Gulf, Colorado & Santa Fe Railway Company, on whom service may be authorized by the General Laws of this State, and in such suit or suits the party or parties shall be entitled to any and every remedy that would have existed had no such purchase been made.

Sec. 7. Any purchase or lease authorized by this act shall be valid only when approved by a vote of two-thirds of the stock of each company to be affected thereby.

Sec. 8. Until such bonds shall be acquired by the Gulf, Colorado & Santa Fe Railway Company, or cancelled as hereinbefore provided, the Gulf, Colorado & Santa Fe Railway Company is hereby authorized and empowered to guarantee the payment of the bonds now or hereafter issued, and interest thereon as the same shall accrue, of the Texas & Gulf Railway Company. Until such purchase shall have been made, as authorized by Section 1, the Gulf, Colorado & Santa Fe Railway Company may purchase any or all of the capital stock of the Texas & Gulf Railway Company now or hereafter issued, and may subscribe and pay for capital stock that may be hereafter lawfully issued by the Texas & Gulf Railway Company, but such purchase of stock by the Gulf, Colorado & Santa Fe Railway Company shall be made only after a certificate by the Railroad Commission that the price to be paid therefor is not more than the fair value thereof.

Sec. 9. The Texas & Gulf Railway Company or the Gulf, Colorado & Santa Fe Railway Company shall, within three years from the date when this act shall take effect, construct a railroad from Longview, in Gregg county, Texas, to a point on Red river, in this State, and a railroad from some point on the present line of the Texas & Gulf Railway Company to some point on the present line of the Gulf, Beaumont & Great Northern Railway Company, both points being in the State of Texas, and to provide for the construction of said railroads said companies and each of them, are hereby authorized to amend their respective charters under the General Laws of this State. If the railroads to be construct-



ed as provided herein shall not be constructed within said three years, the powers, rights and privileges granted by this act shall be forfeited; provided further, that the Gulf, Colorado & Santa Fe Railway Company shall establish and maintain division headquarters in the city of Longview, Texas.

Sec. 10. The crowded condition of the calendar and the demand for a continuous north and south line through the eastern section of the State create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

And find it correctly enrolled, and have this day, at 2:15 o'clock p. m., presented same to the Governor for his approval.

HOLSEY, Acting Chairman.

#### SIXTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, April 2, 1907.

Senate met pursuant to adjournment.

Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harper.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

#### EXCUSED.

On motion of Senator Griggs, Senator Masterson was excused from attendance

upon the Senate yesterday on account of important business.

On motion of Senator Mayfield, Senator Senter was excused from attendance upon the Senate yesterday on account of important business.

On motion of Senator Stone, Senator Harper was excused from attendance upon the Senate yesterday and today on account of important business.

#### INVITATION TO VISIT SAN ANTONIO.

By Senator Green:

Austin, Texas, March 29, 1907.

To the President and Members of the Senate:

The citizens of San Antonio extend to you a hearty and cordial invitation to attend and participate in the festivities incident to the spring carnival and battle of flowers, beginning Tuesday, April 16th, and concluding Saturday, April 20th. The program of the week will consist of patriotic exercises commemorating the day upon which Texas won her independence, and we assure you all a genuine welcome on the part of our entire citizenship.

Yours sincerely,

(Signed) Marshall Hicks, Selig Deutschman, Jas. L. Slayden, F. A. Chapa, T. J. Dickson, Joseph H. Frost, Roy Hearne, C. M. Barnes.

Senator Green moved that the invitation be accepted.

The motion prevailed.

#### BILLS AND RESOLUTIONS.

By Senators Murray and Willacy:

Senate Concurrent Resolution No. 15:

Whereas, Senate bill No. 109, which passed both the Senate and House of Representatives, and which was approved by the Governor March 19, 1907, contained under the item "Miscellaneous Appropriations," the following: "\$1000, or so much thereof as is necessary, to pay W. R. Davis, Tax Commissioner, for balance due him as salary for 1905, \$1000." And

Whereas, W. R. Davie was not appointed Tax Commissioner until the first day of January, 1906, and

Whereas, The services for which there is a balance due him were performed in the year 1906, and

Whereas, The figures "1905" in said Senate bill is a clerical error, it being intended by said bill to pay the said W. R. Davie for services performed in the year 1906; now, therefore, be it